NO. 54406-7-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

Douglas Verdier,

Plaintiff/Appellant,

vs.

Gregory Bost and Laurie Bost,

Defendants/Respondents,

vs.

Todd Verdier,

Counterclaim Defendant/Appellant.

APPEAL FROM THE SUPERIOR COURT

HONORABLE JUDGE FAIRGRIEVE

OPENING BRIEF

TODD VERDIER

36105 NE Washougal River Rd.

Washougal, Wash

360 835 3168

Appellant Todd Verdier requests consideration on the following points of the trial courts decision.

SETTLEMENT

I. THE COURT ERRED WHEN IT RULED A SETTLEMENT HAD OCCURRED BETWEEN THE APPELLANT (TODD VERDIER) AND THE RESPONDENTS(BOST).

A. APPELLANT TODD VERDIER DID NOT SIGN ANY SETTLEMENT AGREEMENT.

B. THE ALLEGED SETTLEMENT DID NOT COMPLY WITH THE WASHINGTON STATE SETTLEMENT STATUTES. INCLUDING RCW 19.36.010, RCW 4.22.060 AND RCW 2.44.010.

C. THE ALLEGED SETTLEMENT DID NOT COMPLY WITH THE STATUTE OF FRAUDS.

D. THE ALLEGED SETTLEMENT DID NOT COMPLY WITH CR2A.

E. THE RESPONDENTS DID NOT FILE IN COURT A PROPOSED AND SIGNED SETTLEMENT OFFER UNTIL 7 JANUARY 2020. APPELLANT DID NOT ASSENT.

F. THE COURT USED THE WRONG STANDARD OF PROOF. THE COURT DID NOT USE A SUMMARY JUDGEMENT STANDARD. IT APPEARS TO HAVE USED A MYSTERIOUS CREDIBILITY STANDARD.

G. THERE WAS NO MEETING OF THE MINDS. THE SUBJECT MATTER AND TERMS WERE NOT EVER SETTLED. THE ALLEGED SETTLEMENT

AGREEMENT WAS NOT VERBATIM READ INTO RECORD.(RP 15 NOV 2019,PG13)

H. THE COURT DID NOT USE WASHINGTON CONTRACT RULES TO ASCERTAIN WETHER A CONTRACT HAD BEEN FORMED.

I. THE BOSTS MADE A NEAR IMMEDIATE COUNTEROFFER TO APPELLANTS ONLY WRITTEN AUTHORIZED OFFER OF 2 MAY 2019

J. THE BOSTS MADE DOZENS OF COUNTEROFFERSFROM MAY3 2019 UNTIL THEY SIGNED AN OFFER DATED 7 JANUARY 2020. APPELLANT ASSENTED TO NONE OF THE OFFERS.

K. THE RESPONDANTS MADE A REVISION AND COUNTEROFFER WHICH WAS NOT SHOWN TO APPELLANT IN NOVEMBER 2019.(RP 11.15.2019, PG 6) (RP,PG 13)

L. THE ALLEGED CR2A HEARING WAS A CONTINUANCE HEARING NOT A CR2A HEARING. THE ALLEGED CR2A HEARING WAS TO NOTIFY THE COURT THAT NEGOTIATIONS WERE ONGOING AND VOIR DIRE AND PRETRIALMOTIONS WERE TO BE SET OFF FOR AT LEAST 30 DAYS.

M. THE HEARING OF 3 MAY 2019 OUTLINED AN "AGREEMENT TO AGREE" IN THE FUTURE. IT DID NOT MEET WASHINGTON STATE CONTRACTUAL STANDARDS THAT CONTROL ALLEGED CR2A READINGS.

N. APPELLANTS ATTORNEY HAD NO AUTHORITY TO INCLUDE THE RECORDED SUBJECT MATTER

O. THE ATTORNEY THAT WAS AT THE HEARING WAS NOT APPELLANTS ATTORNEY, HE WAS AN ASSOCIATE OF TYSON MENDES THAT HAD NEVER

MET VERDIER HAD NEVER TALKED ABOUT A SETTLEMENT WITH APPELLANT. HAD TALKED WITH APPELLANT FOR LESS THAN 10 MINUTES DURING THE LITIGATION.

P. APPELLANTS ATTORNEY WAS OUT OF STATE AT A ROCK FESTIVAL DURING THE 3 MAY COURT MEETING.

Q. THE FOREGOING REASONS RENDER ANY SETTLEMENT ORDER OR CONTRACT VOID BECAUSE SAID ORDER VIOLATES THE PUBLIC POLICY OF WASHINGTON STATE. THE APPEALS COURT SHOULD SUA SPONTE VACATE THE ORDER OF THE TRIAL COURT AS IT REGARDS APPELLANT TODD VERDIER; INCLUDING PURSUANT TO RAP12.1

II. THE TRIAL COURT ERRED WHEN IT CREATED A PUBLIC WATER SYTEM IN ITS SEPTEMBER 2018 RULING. THE COURT FACILITATED AND ORDERED A VIOLATION OF PUBLIC POLICY.

A. THE ORDER CREATED A PUBLIC WATER SYSTEM WITHOUT ANY PROPER ENGINEERING AND HEALTH INVOLVEMENT.

B. THE ORDER VIOLATED THE APA RCW 34.05. THE APA IS WASHINGTON STATE PUBLIC POLICY.

C. THE ORDER VIOLATED SEVERAL WASHINGTON WATER STATUTES INCLUDING RCW 70.119A.060.(text appendix, ex. 3)

D. THE ORDERVIOLATED FEDERAL WATER LAW. SDWA.

E. THE ORDER VIOLATED APPELLANTS DUE PROCESS RIGHTS BECAUSE IT FORCES APPELLANT TO BREAK FEDERAL AND STATE LAW IN ORDER TO

SUPPLY WATER TO BOSTS AND NOW THE PEOPLE THEY SOLD THE HOUSE TO.

F. THE ORDER VIOLATES APPELLANTS DUE PROCESS RIGHTS BECAUSE APPELLANT WAS OUT OF STATE AT THE TIME OF THE 2018 RULING.

G. FOR THE FOREGOING REASONS THE TRIAL COURT VIOLATED PUBLIC POLICY AND THE RULING IS VOID AS TO APPELLANT TODD VERDIER.

III. THE COURT ERRED WHEN IT SEIZED JURISDICTION OVER APPELLANTS FEDERAL HUMAN TRAFFICKING CLAIMS(TVPA).

A. THE RULING VIOLATES THE JURISDICTIONAL STANDARDS OF THE TVPA CREATED BY CONGRESS. JURISDICTION OVER SECTION 77 TVPA CLAIMS ARE TO BE TRIED IN US DISTRICT COURTS UNDER THE FRCP. Per US Constitution, Art. I, section8, cl. 18.(Ex 16). US Statutes are the supreme law of the land.

B. THE TVPA SETTLEMENT ORDER VIOLATES APPELLANTS 14TH AND 5TH AMENDMENT RIGHTS.

C. THE OVERSTEPPING OF JURISDICTION VIOLATES THE WASHINGTON CONSTITUTION.

D. THE TRIAL COURT DID NOT USE THE REQUIRED FEDERAL RULES OF CIVIL PROCEDURE IN RELATION TO THE TVPA CLAIMS.

E. NEGOTIATION OF THE FEDERAL TVPA CLAIMS WERE NOT AUTHORIZED BY APPELLANT. THEY WERE NOT PART OF THE AUTHORIZED SUBJECT MATTER OR TERMS OF THE PROPOSED OFFER OF 2 MAY 2019.

F. THE APPELLANT SIGNED NO DOCUMENT THAT WAIVED A RIGHT TO FILE A CIVIL SUIT UNDER 18 USC 1595, 1589 or section 77(Ex 18)(Ex 19).

G. FOR THE FOREGOING REASONS THE ORDER TO SETTLE FEDERAL CLAIMS ARE VOID AS THEY VIOLATE PUBLIC POLICY.

IV. THE TRIAL COURT ERRED WHEN IT FOUND THAT APPELLANTS ATTORNEY WAS AUTHORIZED TO SETTLE ALL CAUSES OF ACTION APPELLANT VERDIER HAD.

A. The trial court did not allow appellant to introduce documentary evidence that appellant was to never be represented on any counterclaims. This was strictly off limits per the Tyson Mendes engagement letter.

B. There was no writing produced that included the word "all". Or elucidated the terms and subject matter.

C. The attorney Barton that allegedly showed up for appellant was not designated or authorized to settle for appellant Verdier or to even represent appellant Verdier. Barton had never met with appellant and had only talked to appellant months before for a few minutes on an appearance via Skype matter.

Alleged Settlement

III. THE COURT ERRED WHEN IT RULED A SETTLEMENT HAD OCCURRED BETWEEN THE APPELLANT (TODD VERDIER) AND THE RESPONDENTS(BOST).

A. APPELLANT TODD VERDIER DID NOT SIGN ANY SETTLEMENT AGREEMENT.

B.THE ALLEGED SETTLEMENT DID NOT COMPLY WITH THE WASHINGTON STATE SETTLEMENT STATUTES. INCLUDING RCW 19.36.010(Ex. 10), RCW 4.22.060(Ex. 11) AND RCW 2.44.010(Ex. 12).

CR2a is to be interpreted through contract principles. RCW 19.36.010(Ex.10,appendix) voids contracts and agreements that are for misdoings if those agreements are not in writing and signed by the party to be charged. Todd Verdier has never signed an agreement that was accepted for alleged misdoings and his attorney Levi Bendele has never signed a valid memorandum for Todds misdoings. RCW 19.36.010 renders any order of the court void because no writing was signed. Todd Verdier speculates that RCW 19.36.010 was created to prevent the very fraud that the Bosts and Todds ex attorney Levi Bendele are attempting to force in this case.

Per RCW 4.22.060 a party seeking release shall prepare a release, sign it, and circulate it to all parties and will file it in the court where a reasonableness hearing will be held. None of the foregoing conditions were complied with. Because the Bosts did not file a release and distribute it, any order release violates the above statute and is void as against public policy. Because the ruling is void it should be vacated by the appeals court in regard to Todd Verdier.

RCW 2.44.010 was not complied with because the attorneys involved did not comply with section one of 2.44.010. There was no verbatim agreement put on the record. Per Lowell McKelveys binding judicial admission. He regretted that he did not put on the record a verbatim record of the settlement(RP 15 Nov 2019,Pg 13). Lowell McKelvey on 15 Nov. 2019 regretted and admitted that he had not read the verbatim settlement into the record. He stated on(pg 13, RP 15 Nov 2019): "In retrospect I wish I had read it verbatim-- into the record before your honor." Before that on (page 13, RP 15 Nov 2019) Mckelvey stated that "that was poorly worded—but the May 3rd email that is the basis for the settlement agreement which I then read almost verbatim". An agreement to agree that is almost verbatim is not an agreement that has been put on the record validly in light of RCW 2.44.010. What was read in open court on May 3rd 2019 was not only not what Todd Verdier had offered it was not even verbatim to what Lowell Mckelvey thought was the agreement because he did not read it in a mirror image verbatim reading in the hearing. Lowell McKelvey was not Todd Verdier's attorney. McKelvey said the email had the "rough terms of the settlement" (RP, May 3 2019,pg4). McKelvey made an admission that "The terms of,which will be distilled to a release in the next week or so are these" (RP, May 3 2019,pg 4). The trial court said it was only a "sort of agreement"(RP, 3 May 2019,pg8). The actual release had not been drafted. Mckelvey says "The Verdier lawyers are going to prepare a draft release next week."(RP 3 May 2019,pg 9)

McKelvey who is not Todd Verdier's lawyer then says. "I'm sure it will be argued over"(RP 3 May 2019, pg 9).

To summarize, the release was not even drafted yet, it was a rough work in progress. The parties were still negotiating. Todd Verdier should not be held to an agreement to agree, that

had not been drafted yet. It was an abuse of discretion for the trial court to enforce a non existent agreement against Todd Verdier.

C. THE ALLEGED SETTLEMENT AGREEMENT WAS NOT VERBATIM READ INTO RECORD ON MAY 3 2019.(RP 15 NOV 2019,PG13) . Therefore what was read into the sham hearing of 3 May 2019 did not comply with CR2a. Lowell McKelvey on 15 Nov. 2019 regretted and admitted that he had not read the verbatim settlement into the record. He stated on(pg 13, RP 15 Nov 2019): "In retrospect I wish I had read it verbatim-- into the record before your honor." Before that on (page 13, RP 15 Nov 2019) Mckelvey stated that "that was poorly worded—but the May 3rd email that is the basis for the settlement agreement which I then read almost verbatim". What was read in open court on May 3rd 2019 was not only not what Todd Verdier had offered it was not even verbatim to what Lowell Mckelvey thought was the agreement because he did not read it in a mirror image verbatim reading in the hearing. CR2a states (RP 15 NOV 2019, pg 13) quoting CR2a

> No agreement or consent between parties or attorneys in respect to the proceedings in a cause, the purport of which is disputed, will be regarded by the court unless the same shall have been made and assented to in open court on the record.

The word "same" suggests a mirror image. A verbatim reading in court. Mckelvey denied a verbatim reading. The reader of the purported settlement agreement, McKelvey, (C Douglas Verdier's attorney) made a binding judicial admission that the agreement was not read verbatim. It was not a mirror image . It was not identical. It was not the "same" as in the CR2a rule. If it was not the "same" then it should have been disregarded by the court because it did not comply with CR2a. The evidentiary hearing should not have been held because the purported agreement was in fact disputed by Todd Verdier and the

"same" agreement was not read into the sham proceeding. The verbatim "same" agreement has never been read into the court or minutes. If the "same" agreement was not read into the record then CR2a does not apply.

D. THE ALLEGED SETTLEMENT DID NOT COMPLY WITH THE STATUTE OF FRAUDS. The actual agreement which is still unknown to Todd Verdier was never recorded on May 3 2019. As above it was not a verbatim agreement. It was an agreement to agree that is not enforceable in Washington State.

D. THERE WAS NO MEETING OF THE MINDS. THE SUBJECT MATTER AND TERMS WERE NOT EVER SETTLED.

E. THE RESPONDENTS DID NOT FILE IN COURT A PROPOSED AND SIGNED SETTLEMENT OFFER UNTIL 7 JANUARY 2020. APPELLANT DID NOT ASSENT TO IT.

F. THE COURT USED THE WRONG STANDARD OF PROOF. THE COURT DID NOT USE A SUMMARY JUDGEMENT STANDARD. SUMMARY JUDGEMENT IS THE STANDARD. IT APPEARS TO HAVE USED A CREDIBILITY STANDARD. Had summary judgement standard been used Verdier should have won. The trial court abused its discretion when it did not use a summary judgement standard.

H. THE COURT DID NOT USE WASHINGTON CONTRACT RULES TO ASCERTAIN WETHER A CONTRACT HAD BEEN FORMED.

I. THE BOSTS MADE A NEAR IMMEDIATE COUNTEROFFER TO APPELLANTS ONLY WRITTEN AUTHORIZED OFFER OF 2 MAY 2019.A counteroffer nullifies Todd Verdier'soffer.

K. THE BOSTS MADE DOZENS OF COUNTEROFFERS FROM MAY 3 2019 UNTIL THEY SIGNED AN OFFER DATED 7 JANUARY 2020. APPELLANT ASSENTED TO NONE OF THE COUNTER OFFERS.

L. THE RESPONDANTS MADE A REVISION AND COUNTEROFFER WHICH WAS NOT SHOWN TO APPELLANT IN NOVEMBER 2019.(RP 11.15.2019, PG 6) (RP,PG 13) . This is a counteroffer.

M. THE ALLEGED CR2A HEARING WAS A CONTINUANCE HEARING NOT A CR2A HEARING. THE ALLEGED CR2A HEARING WAS TO NOTIFY THE COURT THAT NEGOTIATIONS WERE ONGOING AND VOIR DIRE AND PRETRIAL MOTIONS WERE TO BE SET OFF FOR AT LEAST 30 DAYS.

N. THE HEARING OF 3 MAY 2019 OUTLINED AN "AGREEMENT TO AGREE" IN THE FUTURE. IT DID NOT MEET WASHINGTON STATE CONTRACTUAL STANDARDS THAT CONTROL ALLEGED CR2A READINGS.

O. APPELLANTS ATTORNEY HAD NO AUTHORITY TO INCLUDE THE RECORDED SUBJECT MATTER TERM "ALL".

P. THE ATTORNEY THAT WAS AT THE HEARING WAS NOT APPELLANTS ATTORNEY, HE WAS AN ASSOCIATE OF TYSON MENDES THAT HAD NEVER MET TODD VERDIER HAD NEVER TALKED ABOUT A SETTLEMENT WITH APPELLANT. HAD TALKED WITH APPELLANT FOR

LESS THAN 10 MINUTES DURING THE LITIGATION ABOUT ASKYPE APPEARANCE.

Q. TODD VERDIERS ATTORNEY WAS OUT OF STATE AT A ROCK FESTIVAL DURING THE 3 MAY COURT MEETING. 3 May was the date voir dire and motions were to start.Levi Bendele was at a rock concert featuring the Rolling Stones.

R. THE FOREGOING REASONS RENDER ANY SETTLEMENT ORDER OR CONTRACT VOID BECAUSE SAID ORDER VIOLATES THE PUBLIC POLICY OF WASHINGTON STATE. THE APPEALS COURT SHOULD SUA SPONTE VACATE THE ORDER OF THE TRIAL COURT AS IT REGARDS A SETTLEMENT BY APPELLANT TODD VERDIER; INCLUDING PURSUANT TO RAP12.1

Water Ruling

I. THE COURT ERRED WHEN IT CREATED A PUBLIC WATER SYTEM IN ITS SEPTEMBER 2018 RULING. THE COURT FACILITATED AND ORDERED A VIOLATION OF PUBLIC POLICY. THIS WAS AN ERROR OF LAW.

II. The court ordered that a well, located at 36105 NE Washougal River Rd.,(the Ard/Verdier property) be connected to a second house per its order of September 2018. Todd Verdier uses this well daily. Appellant Todd Verdier is a party ,a defendant.

Per the trial courts September 2018 ruling it made the following ruling:

7. Each of the parties has the right to an uninterrupted supply of water from the well located on the plaintiff's property.(CP 178)

The plaintiff was C. Douglas Verdier.

In making this ruling the trial court created a Group B public water system where one did not exist previously. The Water originated from a well on property owned by plaintiff C.Douglas Verdier the father of appellant. Appellant was never a plaintiff. Appellant was only a defendant.

The court ignored the fact that Clark County Health had denied respondants predecessor a connection to C.Douglas Verdiers(then the ARD well) because the application was invalid for dozens of reasons. This was contained in the CR59 filing by appellant. (CP 367, Pg12,13,14)

Per WAC 246-291-140(appendix ex 1) and 120(appendix ex 2) and (246-293-190 exhibit 7 appendix). The owner must submit a water system plan followed by a design report. Summary of some of the steps needed.

1. Process for B similar to Plan A's
2. Owner must submit the plan (Ard(Verdier predecessor) not Coulthard(Bost predecessor) was the owner at the time Clark County health disqualified well connection).
3. There must be a design report. This does not exist.

4. Non-existant design report was not approved first.
5. No plan that addressed the project.
6. No engineering specs or design specs.
7. No approval (but a denial for the system to be set up). Clark County health WAVE doc(CP 367) Recording number 545386
8. There must be a 100 foot sanitary control area. This does not exist. Or 200 feet for springs. Otherwise engineering report needed.
9. No waiver on engineering report. On 100/200 ft sanitary
10. Purveyors Ard /Verdier do not control sanitary area.
11. No right for purveyors to control entire sanitary zone.
12. No approval of GWI sources unless under control of satellite agency through ownership.(Thus a two connection Plan b was denied in document 545386 , a recorded document of year 2000) This is a GWI well because it is shallow and less than 200 ft from to two surface bodies of water.GWI is ground water influenced.
13. Continuous treatment is not being performed as required.
14. Adequacy determinations are not being complied with per 246-296-130(2) , appendix, Exhibit 4.
15. The 36105 NE Washougal River Rd system was not approved by Clark County health. The trial court did not get approval from health. Per WAC, the system is not approved.
16. Must provide water at all times. No specs in existence on this before the courts ruling.
17. No public notices given pursuant to RCW 90.03.280 (Appendix,Exhibit 8).

Previously Clark County Health had denied a second connection to the well at 36105 NE Washougal River Rd, Washougal, Wash going to 36115 NE Washougal River Rd.(CP 367, pg 12,13,14).The WAVE document. It was denied because it was impossible to make the well comply with the law, including RCW 70.119A.060-recodified to RCW 70.125.060(appendix, exhibit 5) and the wrong party had applied for the connection permit. The purveyor/owner had not applied. The recipient/licensee had applied. Bosts and predecessors have been illegally connected to the well since December 2000 despite the denial of connection by Clark County. The receiver had applied and failed to obtain engineering reports and other requisites to make a valid application. There are no records of engineering reports. The trial court ordered the non-approved connection to be maintained. No requisite engineering reports were supplied by the court or the parties including the respondants. The well still does not comply. The well does not , as a B public water system, comply with the 1996 Safe Drinking Water Act. Per the 1996 SDWA all public water systems in Washington must comply with the SDWA. (Exhibit 9, appendix). US Statutes are the supreme law of the land. Per US Constitution, Art. I, section8, cl. 18.(Ex 16). The well connection order was an error of law and is void as against public policy. The court ignored Clark County health and violated the Administrative Procedure Act in regards to the water. This endangers public health and violates Washington State law and Federal law. The well cannot comply as a B

public water system. . The 2018 Judgement as to water must be reversed. The well at 36105 NE Washougal river rd. was previously denied a second connection to the Bost property; see CR59 wave document, page 13 (exhibit D) . The well is only approved for one residence per Clark county (exhibit D) the Water Availability Verification Evaluation. This recorded document also shows that the previous owner of the Bost house did not comply. He was not the purveyor but he made the application. Only the water purveyor may make the application to create a water system. This does not comply with the law. The court ordered a connection that violates public policy at page 6, lines 7 and 8 of the September 24, 2018. This is an error of law.

RCW 19.27.097

III. Building permit application—Evidence of adequate water supply—Authority of a county or city to impose additional requirements—Applicability—Exemption—Groundwater withdrawal authorized under RCW 90.44.050.

IV. (1)(a) Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. An application for a water right shall not be sufficient proof of an adequate water supply.

V. RCW 70.119A.060

VI. Public water systems—Mandate—Conditions for approval or creation of new public water system—Department and local health jurisdiction duties.

The trial court also violated RCW 90.03.380(Ex 17) Rights to water attach to land. C. Douglas Verdier owns the land where the well in question is located. Todd Verdier resides on this property and is injured when the well is overburdened by illegitimate use. This is a defacto injury to existing rights of Todd Verdier who has lived on the property since about 2010. The order by the court to supply water to a second property violates Todd Verdier's due process rights including the 5th and 14th amendment because it a) forces Todd Verdier to break federal and state law in order to comply with the trial courts order and b) Todd Verdier was out of state at the time the trial court decided to make a ruling and was not notified of its imminence.

Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280(appendix , exhibit 8).

There was never a notice published for 2 weeks or more in a paper of record per RCW90.03.280. If notice was not published the order to transfer water and create a B public water system was against public policy and an error of law.

Wherefore for the foregoing reasons Appellant requests that the court of appeals vacates any rulings regarding water that the trial court ordered. And for the foregoing reasons appellant motions that the court of appeals vacate any ordered settlement between Respondent Bosts and appellant Todd Verdier and return the case to the trial court for a trial.

D. Todd Verdier, appellant

Pro se

14 May 2021

APPENDIX

Exhibit1

WAC 246-291-140 Water system planning and disclosure require-ments.
(1) A purveyor submitting a new or expanding Group B system design for approval shall provide the following information to the department or health officer:
(a) The system's management and ownership;
(b) The system's service area and existing and proposed major facilities;
I The maximum number of service connections the system can safely and reliably supply;
(d) The relationship and compatibility with other locally adopted plans;
I The amount of revenue needed to operate and maintain the sys-tem, and a plan to meet revenue needs;
(f) A cross-connection control plan if any existing cross-connections are identified;
(g) Security measures under the strict control of the purveyor to be provided to protect the water source, water storage reservoir, and the distribution system;
(h) For systems that will use sources with a well pump test indicating a yield of 5.0 gpm or less, a contingency plan describing short-term and long-term measures to restore water to consumers in the event the well(s) cannot provide an adequate supply of water;
(i) The public notification procedures that the purveyor will use as required under WAC 246-291-360.
(2) A purveyor shall record the following information on each customer's property title before providing water from the Group B sys-tem to any service connection:
(a) System name and a department issued public water system identification number;
(b) System owner name and contact information;
I The following statement: "This property is served by a Group B public water system that has a design approval under chapter 246-291 Washington Administrative Code";
(d) Parcel numbers to be served by the system;
I Indicate if the system is designed and constructed to provide fire suppression;
(f) A copy of any waiver granted under WAC 246-291-060 to the purveyor and any required monitoring and reporting;
(g) Indicate:
(i) If service connections are metered or not;
(ii) If the purveyor intends to monitor the system for contaminants;
(iii) How often monitoring will occur; and
(iv) How the consumers of the system will be notified of monitoring results;
(h) Contact information for the approving authority (department or local health jurisdiction);
(i) The type of source treatment provided for any contaminants that exceed secondary MCLs;

(j) Instructions about how to obtain a copy of the agreements for consumers, if one exists; and
(k) Other information, as directed by the department or health officer.
[Statutory Authority: RCW 43.20.050 and chapter 70.119A RCW. WSR 12-24-070, § 246-291-140, filed 12/4/12, effective 1/1/14. Statutory Authority: RCW 43.20.050. WSR 95-20-078, § 246-291-140, filed 10/4/95,

Exhibit 2

WAC 246-291-120 Design report approval. (1) A purveyor shall receive written department or health officer approval of a design re-port prior to:
(a) Installing a new Group B system; or
(b) Providing service to more than the current approved number of service connections.
(2) To obtain design report approval for a Group B system, a purveyor shall provide a copy of the following, at a minimum, to the de-partment or health officer:
(a) Documentation that creating a new system or expanding an existing system does not conflict with any applicable coordinated water system plan adopted under chapter 246-293 WAC;
(b) Documentation that creating a new system complies with the SMA requirements under RCW 70.119A.060(2);
I Source approval under WAC 246-291-125 or 246-291-135;
(d) Documentation that all requirements under WAC 246-291-140 are met;
I A system design that complies with the requirements under WAC 246-291-200 including, but not limited to:
(i) Drawings of each project component, including:
(A) Location;
(B) Orientation;
(C) Size; and
(D) Easements for:
(I) Future access and maintenance of distribution system pipe-lines located on private property, or franchise agreements necessary for distribution system pipelines located within public right of way; and
(II) Other system components, including access and maintenance of reservoirs, wells, and pumping stations.
(ii) Material specifications for each project component;
(iii) Construction specifications and assembly techniques;
(iv) Testing criteria and procedures; and

(v) A description of disinfection procedures as required under WAC 246-291-220.
(3) The design report shall be prepared, sealed, and signed in accordance with chapter 196-23 WAC by a professional engineer who:
(a) Is licensed in the state of Washington under chapter 18.43 RCW; and
(b) Has specific expertise regarding design, operation, and maintenance of public water systems.
(4) A local health jurisdiction that has accepted primary responsibility in a JPR under WAC 246-291-030 may adopt by rule, an excep-tion to the professional engineer requirement for Group B systems that:
(a) Do not use a variable speed pump;
(b) Do not provide fire flow;
(c) Do not have special hydraulic considerations;
(d) Do not have atmospheric storage in which the bottom elevation of the storage reservoir is below the ground surface; and
(e) Serve fewer than ten service connections.
(5) A purveyor shall "ubmit a "Construction Completion Report for P"blic Water System Projects" to the department or health officer"on a form approved by the department or health officer within sixty days of construction completion, and before use of any approved Group B sys-tem. The form must:

(a) Be signed by a professional engineer, unless the health officer approves the project as meeting the requirements under subsection (4) of this section;
(b) Include a statement that the project is constructed and completed according to the design report requirements under this chapter; and
(c) Include a statement that the installation, testing, and disinfection of the Group B system is completed in accordance with this chapter.
(6) All design changes, except for minor field revisions, must be submitted in writing to, and approved by, the department or health of-ficer.
[Statutory Authority: RCW 43.20.050 and chapter 70.119A RCW. WSR 12-24-070, § 246-291-120, filed 12/4/12, effective 1/1/14. Statutory Authority: RCW 43.20.050. WSR 94-14-002, § 246-291-120, filed 6/22/94, effective 7/23/94.]
Certified on 10/25/2019 WAC 246-291-120 Page 2

Exhibit 3

RCW 70A.125.60

Public water systems—Mandate—Conditions for approval or creation of new public water system—Department and local health jurisdiction duties.

(1) To assure safe and reliable public drinking water and to protect the public health:

(a) Public water systems shall comply with all applicable federal, state, and local rules; and

(b) Group A public water systems shall:

(i) Protect the water sources used for drinking water;

(ii) Provide treatment adequate to assure that the public health is protected;

(iii) Provide and effectively operate and maintain public water system facilities;

(iv) Plan for future growth and assure the availability of safe and reliable drinking water;

(v) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(vi) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70A.100.130 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future management or ownership by a satellite system management agency, if such management or ownership can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70A.100, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(3) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2) (a) and (b) and other rules adopted by the department relating to public water systems.Exhibit 4

WAC 246-296-130 Project priority rating and ranking criteria. The department shall, at a minimum, consider the following to assign points, and rate and rank proposed projects:
(1) Criteria for risk categories and points based on:
(a) Type and significance of public health problems the project will resolve;
(b) If the project is needed to bring the public water system in-to compliance with federal, state, and local drinking water require-ments;
I Current compliance status; and
(d) Affordability on a per household basis, determined by compar-ing the community's average water rate to the MHI in the community's service area, for a community public water system.
(2) Additional points based on the type of project being pro-posed, if the project:
(a) Is to restructure a public water system;
(b) Creates a sustainable regional public health benefit;
I Has multiple benefits that are sustainable;
(d) Is consistent with the Growth Management Act;
I Is financially sustainable;
(f) Qualifies as a green project;
(g) Serves a disadvantaged community; or
(h) Results in service meters on existing services not currently metered.
[Statutory Authority: RCW 70.119A.170 as amended by 2016 c 111. WSR 16-14-086, § 246-296-130, filed 7/5/16, effective 8/5/16. Statutory Authority: RCW 70.119A.170 and Federal Safe Drinking Water Act, H.R. 1452. WSR 12-01-077, § 246-296-130, filed 12/19/11, effective 2/1/12. Statutory Authority: RCW 70.119A.170. WSR 01-21-137, § 246-296-130, filed 10/24/01, effective 11/24/01.]
Certified on 10/25/2019 WAC 246-296-130 Page 1

Exhibit 5

RCW 70A.125.060
Public water systems—Mandate—Conditions for approval or creation of new public water system—Department and local health jurisdiction duties.
(1) To assure safe and reliable public drinking water and to protect the public health:
(a) Public water systems shall comply with all applicable federal, state, and local rules; and
(b) Group A public water systems shall:
(i) Protect the water sources used for drinking water;
(ii) Provide treatment adequate to assure that the public health is protected;
(iii) Provide and effectively operate and maintain public water system facilities;
(iv) Plan for future growth and assure the availability of safe and reliable drinking water;

(v) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and
(vi) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.
(2) No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70A.100.130 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future management or ownership by a satellite system management agency, if such management or ownership can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70A.100, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.
(3) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2) (a) and (b) and other rules adopted by the department relating to public water systems.
[2020 c 20 § 1356; 2009 c 495 § 5; 1995 c 376 § 3; 1991 c 304 § 4; 1990 c 132 § 4; 1989 c 422 § 3. Formerly RCW 70.119A.060.]

Exhibit 6

WAC 246-291-090 Public Water System Coordination Act and satel-lite management. (1) A purveyor of a new or expanding Group B system shall comply with the applicable coordinated water system plan created under chapter 246-293 WAC and 70.116 RCW if located within the bounda-ries of a critical water supply service area.
(2) The department or health officer shall approve a new or ex-panding Group B system consistent with requirements under WAC 246-293-190 and RCW 70.116.060(3).
(3) A new Group B system must comply with SMA requirements under RCW 70.119A.060.
[Statutory Authority: RCW 43.20.050 and chapter 70.119A RCW. WSR 12-24-070, § 246-291-090, filed 12/4/12, effective 1/1/14.]

effective 11/4/95; WSR 94-14-002, § 246-291-140, filed 6/22/94, 25ffect-tive 7/23/94.]

Exhibit 7

WAC 246-293-190 Establishment of critical water supply service area boundaries—Effect. (1) No new public water system shall be ap-proved within a critical water supply service area subsequent to establishment of external boundaries unless specifically authorized by the department. Authorization shall be based upon compliance with the following:

(a) If unanticipated demand for water supply occurs within a purveyor's future service area, the following shall apply in the listed sequence:

(i) The existing purveyor shall provide service in a timely and reasonable manner consistent with state board of health regulations; or

(ii) A new public water system may be developed on a temporary basis. Before authorization, a legal agreement will be required which includes a schedule for the existing purveyor to assume management and/or connect the new public water system to the existing system; or

(iii) A new public water system may be developed. Before authorization, a revised service area agreement establishing the new purveyor's future service area will be required.

(b) If a demand for water supply occurs outside any purveyor's future service area, the following shall apply in the listed sequence:

(i) Those persons anticipating the need for water service shall contact existing nearby purveyors within the critical water supply service area to determine whether any will be interested in expanding their system to provide water service in a timely and reasonable man-ner consistent with state board of health regulations.

(ii) A new public water system may be developed on a temporary basis. Before authorization, a legal agreement will be required which includes a schedule for an existing system to assume management and/or connect the new public water system to an existing system; or

(iii) A new public water system may be developed.

Any of the options listed in subdivisions (b)(i), (b)(ii), or (b)(iii) will require establishment of new or revised service area agreements.
(2) If a new public water system is developed, it shall have an approved water system plan pursuant to WAC 248-54-580 and the provi-sions of this chapter. The plan shall include a section addressing the outcome of subsections (1)(a), or (1)(b) along with documented confir-mation by the appropriate existing purveyors(s).
(3) Any proposed new public water system shall not be inconsis-tent with local adopted land use plans, shoreline management programs, and/or development policies as determined by the appropriate county or city legislative authority(ies).
(4) If a coordinated water system plan has been approved for the affected area, all proposed new public water systems shall be consis-tent with the provisions of that plan.
[Statutory Authority: RCW 43.70.040. WSR 91-02-049 (Order 121), reco-dified as § 246-293-190, filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.116 RCW. WSR 78-07-048 (Order 1309), § 248-56-620, filed 6/28/78.]

Exhibit 8

RCW 90.03.380

Right to water attaches to land—Transfer or change in point of diversion—Transfer of rights from one district to another—Priority of water rights applications—Exemption for small irrigation impoundments—Electronic notice of an application for an interbasin water rights transfer. (Effective until June 30, 2021.)

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of

diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. The time period that the water right was banked under RCW 90.92.070, in an approved local water plan created under RCW 90.92.090, or the water right was subject to an agreement to not divert under RCW 90.92.050 will not be included in the most recent five-year period of continuous beneficial use for the purpose of determining the annual consumptive quantity under this section. If the water right has not been used during the previous five years but the nonuse of which qualifies for one or

more of the statutory good causes or exceptions to relinquishment in RCW 90.14.140 and 90.44.520, the period of nonuse is not included in the most recent five-year period of continuous beneficial use for purposes of determining the annual consumptive quantity of water under this section.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(5)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights within the

same source of supply without regard to the date of filing of the pending applications for new water rights.

I Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)I does not affect any other existing authority to process applications.

(d) Nothing in this subsection (5) is intended to stop the processing of applications for new water rights.

(6) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

(7) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

(8) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring a change or transfer of any existing water right to enable the holder of the right to store water governed by the right.

(9) This section does not apply to a water right involved in an approved local water plan created under RCW 90.92.090, a water right that is subject to an agreement not to divert under RCW 90.92.050, or a banked water right under RCW 90.92.070.

(10)(a) The department may only approve an application submitted after July 22, 2011, for an interbasin water rights transfer after providing notice electronically to the board of county commissioners in the county of origin upon receipt of an application.

(b) For the purposes of this subsection:

(i) "Interbasin water rights transfer" means a transfer of a water right for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

(ii) "County of origin" means the county from which a water right is transferred or proposed to be transferred.

I This subsection applies to counties located east of the crest of the Cascade mountains.

[2011 c 112 § 3; (2011 c 112 § 2 expired June 30, 2019); 2009 c 183 § 15; 2003 c 329 § 2; 2001 c 237 § 5; 1997 c 442 § 801; 1996 c 320 § 19; 1991 c 347 § 15; 1987 c 109 § 94; 1929 c 122 § 6; 1917 c 117 § 39; RRS § 7391. Formerly RCW 90.28.090.]

Exhibit 8

RCW 90.03.280

Appropriation procedure—Notice.

Upon receipt of a proper application, the department shall instruct the applicant to publish notice thereof in a form and within a time prescribed by the department in a newspaper of general circulation published in the county or counties in which the storage, diversion, and use is to be made, and in such other newspapers as the department may direct, once a week for two consecutive weeks. Upon receipt by the department of an application it shall send notice thereof containing pertinent information to the director of fish and wildlife.

Exhibit 9

Sec. 5. RCW 70.119A.060 and 1995 c 376 s 3 are each amended to read as follows:
(1) ((In order)) To assure safe and reliable public drinking water and to protect the public health((,)):
(a) Public water systems shall comply with all applicable federal, state, and local rules; and

Exhibit 10

RCW 19.36.010

Contracts, etc., void unless in writing.
In the following cases, specified in this section, any agreement, contract, and promise shall be void, unless such agreement, contract, or promise, or some note or memorandum thereof, be in writing, and signed by the party to be charged therewith, or by some person thereunto by him or her lawfully authorized, that is to say: (1) Every agreement that by its terms is not to be performed in one year from the making thereof; (2) every special promise to answer for the debt,

default, or misdoings of another person; (3) every agreement, promise, or undertaking made upon consideration of marriage, except mutual promises to marry; (4) every special promise made by an executor or administrator to answer damages out of his or her own estate; (5) an agreement authorizing or employing an agent or broker to sell or purchase real estate for compensation or a commission.

Exhibit 11

RCW 4.22.060

Effect of settlement agreement.

(a) A party prior to entering into a release, covenant not to sue, covenant not to enforce judgment, or similar agreement with a claimant shall give five days' written notice of such intent to all other parties and the court. The court may for good cause authorize a shorter notice period. The notice shall contain a copy of the proposed agreement. A hearing shall be held on the issue of the reasonableness of the amount to be paid with all parties afforded an opportunity to present evidence. A determination by the court that the amount to be paid is reasonable must be secured. If an agreement was entered into prior to the filing of the action, a hearing on the issue of the reasonableness of the amount paid at the time it was entered into may be held at any time prior to final judgment upon motion of a party.

The burden of proof regarding the reasonableness of the settlement offer shall be on the party requesting the settlement.

(2) A release, covenant not to sue, covenant not to enforce judgment, or similar agreement entered into by a claimant and a person liable discharges that person from all liability for

contribution, but it does not discharge any other persons liable upon the same claim unless it so provides. However, the claim of the releasing person against other persons is reduced by the amount paid pursuant to the agreement unless the amount paid was unreasonable at the time of the agreement in which case the claim shall be reduced by an amount determined by the court to be reasonable.

(3) A determination that the amount paid for a release, covenant not to sue, covenant not to enforce judgment, or similar agreement was unreasonable shall not affect the validity of the agreement between the released and releasing persons nor shall any adjustment be made in the amount paid between the parties to the agreement.

Exhibit 12

RCW 2.44.010.

An attorney and counselor has authority:

(1) To bind his or her client in any of the proceedings in an action or special proceeding by his or her agreement duly made, or entered upon the minutes of the court; but the court shall disregard all agreements and stipulations in relation to the conduct of, or any of the proceedings in, an action or special proceeding unless such agreement or stipulation be made in open court, or in presence of the clerk, and entered in the minutes by him or her, or signed by the party against whom the same is alleged, or his or her attorney;

(2) To receive money claimed by his or her client in an action or special proceeding, during the pendency thereof, or after judgment upon the payment thereof, and not otherwise, to discharge the same or acknowledge satisfaction of the judgment;

(3) This section shall not prevent a party from employing a new attorney or from issuing an execution upon a judgment, or from taking other proceedings prescribed by statute for its enforcement.

Exhibit 13

RULE 2A
STIPULATIONS

No agreement or consent between parties or attorneys in respect to the proceedings in a cause, the purport of which is disputed, will be regarded by the court unless the same shall have been made and assented to in open court on the record, or entered in the minutes, or unless the evidence thereof shall be in writing and subscribed by the attorneys denying the same.

Exhibit 14

RCW 70A.125.060

Public water systems—Mandate—Conditions for approval or creation of new public water system—Department and local health jurisdiction duties.

(1) To assure safe and reliable public drinking water and to protect the public health:

(a) Public water systems shall comply with all applicable federal, state, and local rules; and

(b) Group A public water systems shall:

(i) Protect the water sources used for drinking water;

(ii) Provide treatment adequate to assure that the public health is protected;

(iii) Provide and effectively operate and maintain public water system facilities;

(iv) Plan for future growth and assure the availability of safe and reliable drinking water;

(v) Provide the department with the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system, including any changes to this information, and provide to users the name and twenty-four hour telephone number of an emergency contact person; and

(vi) Take whatever investigative or corrective action is necessary to assure that a safe and reliable drinking water supply is continuously available to users.

(2) No new public water system may be approved or created unless: (a) It is owned or operated by a satellite system management agency established under RCW 70A.100.130 and the satellite system management system complies with financial viability requirements of the department; or (b) a satellite management system is not available and it is determined that the new system has sufficient management and financial resources to provide safe and reliable service. The approval of any new system that is not owned by a satellite system management agency shall be conditioned upon future management or ownership by a satellite system management agency, if such management or ownership can be made with reasonable economy and efficiency, or upon periodic review of the system's operational history to determine its ability to meet the department's financial viability and other operating requirements. The

department and local health jurisdictions shall enforce this requirement under authority provided under this chapter, chapter 70A.100, or 70.05 RCW, or other authority governing the approval of new water systems by the department or a local jurisdiction.

(3) The department and local health jurisdictions shall carry out the rules and regulations of the state board of health adopted pursuant to RCW 43.20.050(2) (a) and (b) and other rules adopted by the department relating to public water systems.

Exhibit 15

1995 version of RCW 70.119A.060 this changed to RCW 70.125.060 in 2020

1995 VERSION OF RCW 70.119A.060

Sec. 5. RCW 70.119A.060 and 1995 c 376 s 3 are each amended to read as follows:
(a) ((In order)) To assure safe and reliable public drinking water and to protect the public health((,)):
(a) Public water systems shall comply with all applicable federal, state, and local rules; and

Exhibit 16

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this

Constitution in the Government of the United States, or in any Department or Officer thereof.

Exhibit 17

RCW 90.03.380

RCW 90.03.380

Right to water attaches to land—Transfer or change in point of diversion—Transfer of rights from one district to another—Priority of water rights applications—Exemption for small irrigation impoundments—Electronic notice of an application for an interbasin water rights transfer. (Effective until June 30, 2021.)

(1) The right to the use of water which has been applied to a beneficial use in the state shall be and remain appurtenant to the land or place upon which the same is used: PROVIDED, HOWEVER, That the right may be transferred to another or to others and become appurtenant to any other land or place of use without loss of priority of right theretofore established if such change can be made without detriment or injury to existing rights. The point of diversion of water for beneficial use or the purpose of use may be changed, if such change can be made without detriment or injury to existing rights. A change in the place of use, point of diversion, and/or purpose of use of a water right to enable irrigation of additional acreage or the addition of new uses may be permitted if such change results in no increase in the annual consumptive quantity of water used under the water right. For purposes of this section, "annual consumptive

quantity" means the estimated or actual annual amount of water diverted pursuant to the water right, reduced by the estimated annual amount of return flows, averaged over the two years of greatest use within the most recent five-year period of continuous beneficial use of the water right. Before any transfer of such right to use water or change of the point of diversion of water or change of purpose of use can be made, any person having an interest in the transfer or change, shall file a written application therefor with the department, and the application shall not be granted until notice of the application is published as provided in RCW 90.03.280. If it shall appear that such transfer or such change may be made without injury or detriment to existing rights, the department shall issue to the applicant a certificate in duplicate granting the right for such transfer or for such change of point of diversion or of use. The certificate so issued shall be filed and be made a record with the department and the duplicate certificate issued to the applicant may be filed with the county auditor in like manner and with the same effect as provided in the original certificate or permit to divert water. The time period that the water right was banked under RCW 90.92.070, in an approved local water plan created under RCW 90.92.090, or the water right was subject to an agreement to not divert under RCW 90.92.050 will not be included in the most recent five-year period of continuous beneficial use for the purpose of determining the annual consumptive quantity under this section. If the water right has not been used during the previous five years but the nonuse of which qualifies for one or more of the statutory good causes or exceptions to relinquishment in RCW 90.14.140 and 90.44.520, the period of nonuse is not included in the most recent five-year period of continuous beneficial use for purposes of determining the annual consumptive quantity of water under this section.

(2) If an application for change proposes to transfer water rights from one irrigation district to another, the department shall, before publication of notice, receive concurrence from each of the

irrigation districts that such transfer or change will not adversely affect the ability to deliver water to other landowners or impair the financial integrity of either of the districts.

(3) A change in place of use by an individual water user or users of water provided by an irrigation district need only receive approval for the change from the board of directors of the district if the use of water continues within the irrigation district, and when water is provided by an irrigation entity that is a member of a board of joint control created under chapter 87.80 RCW, approval need only be received from the board of joint control if the use of water continues within the area of jurisdiction of the joint board and the change can be made without detriment or injury to existing rights.

(4) This section shall not apply to trust water rights acquired by the state through the funding of water conservation projects under chapter 90.38 RCW or RCW 90.42.010 through 90.42.070.

(5)(a) Pending applications for new water rights are not entitled to protection from impairment, injury, or detriment when an application relating to an existing surface or ground water right is considered.

(b) Applications relating to existing surface or ground water rights may be processed and decisions on them rendered independently of processing and rendering decisions on pending applications for new water rights within the same source of supply without regard to the date of filing of the pending applications for new water rights.

(c) Notwithstanding any other existing authority to process applications, including but not limited to the authority to process applications under WAC 173-152-050 as it existed on January 1, 2001, an application relating to an existing surface or ground water right may be processed ahead of a previously filed application relating to an existing right when sufficient information

for a decision on the previously filed application is not available and the applicant for the previously filed application is sent written notice that explains what information is not available and informs the applicant that processing of the next application will begin. The previously filed application does not lose its priority date and if the information is provided by the applicant within sixty days, the previously filed application shall be processed at that time. This subsection (5)(c) does not affect any other existing authority to process applications.

(d) Nothing in this subsection (5) is intended to stop the processing of applications for new water rights.

(6) No applicant for a change, transfer, or amendment of a water right may be required to give up any part of the applicant's valid water right or claim to a state agency, the trust water rights program, or to other persons as a condition of processing the application.

(7) In revising the provisions of this section and adding provisions to this section by chapter 237, Laws of 2001, the legislature does not intend to imply legislative approval or disapproval of any existing administrative policy regarding, or any existing administrative or judicial interpretation of, the provisions of this section not expressly added or revised.

(8) The development and use of a small irrigation impoundment, as defined in RCW 90.03.370(8), does not constitute a change or amendment for the purposes of this section. The exemption expressly provided by this subsection shall not be construed as requiring a change or transfer of any existing water right to enable the holder of the right to store water governed by the right.

(9) This section does not apply to a water right involved in an approved local water plan created under RCW 90.92.090, a water right that is subject to an agreement not to divert under RCW 90.92.050, or a banked water right under RCW 90.92.070.

(10)(a) The department may only approve an application submitted after July 22, 2011, for an interbasin water rights transfer after providing notice electronically to the board of county commissioners in the county of origin upon receipt of an application.

(b) For the purposes of this subsection:

(i) "Interbasin water rights transfer" means a transfer of a water right for which the proposed point of diversion is in a different basin than the proposed place of beneficial use.

(ii) "County of origin" means the county from which a water right is transferred or proposed to be transferred.

(b) This subsection applies to counties located east of the crest of the Cascade mountains.

Exhibit 18

18 USC 1595

(a) An individual who is a victim of a violation of this chapter may bring a civil action against the perpetrator (or whoever knowingly benefits, financially or by receiving anything of value from participation in a venture which that person knew or should have known has engaged in an act in violation of this chapter) in an appropriate district court of the United States and may recover damages and reasonable attorneys fees.

(b)

(1) Any civil action filed under subsection (a) shall be stayed during the pendency of any criminal action arising out of the same occurrence in which the claimant is the victim.

(2) In this subsection, a "criminal action" includes investigation and prosecution and is pending until final adjudication in the trial court.

(c) No action may be maintained under subsection (a) unless it is commenced not later than the later of—

(1) 10 years after the cause of action arose; or

(2) *10 years after the victim reaches 18 years of age, if the victim was a minor at the time of the* alleged offense.

(d) In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by any person who violates section 1591, the attorney general of the State, as parens patriae, may bring a civil action against such person on behalf of the residents of the State in an appropriate district court of the United States to obtain appropriate relief.

Exhibit 19

(a) Whoever knowingly provides or obtains the labor or services of a person by any one of, or by any combination of, the following means—

(1) by means of force, threats of force, physical restraint, or threats of physical restraint to that person or another person;

(2) by means of serious harm or threats of serious harm to that person or another person;

(3) by means of the abuse or threatened abuse of law or legal process; or

(4) by means of any scheme, plan, or pattern intended to cause the person to believe that, if that person did not perform such labor or services, that person or another person would suffer serious harm or physical restraint,

shall be punished as provided under subsection (d).

(b) Whoever knowingly benefits, financially or by receiving anything of value, from participation in a venture which has engaged in the providing or obtaining of labor or services by any of the means described in subsection (a), knowing or in reckless disregard of the fact that the venture has engaged in the providing or obtaining of labor or services by any of such means, shall be punished as provided in subsection (d).

(c) In this section:

(1) The term "abuse or threatened abuse of law or legal process" means the use or threatened use of a law or legal process, whether administrative, civil, or criminal, in any manner or for any purpose for which the law was not designed, in order to exert pressure on another person to cause that person to take some action or refrain from taking some action.

(2) The term "serious harm" means any harm, whether physical or nonphysical, including psychological, financial, or reputational harm, that is sufficiently serious, under all the surrounding circumstances, to compel a reasonable person of the same background and in the same circumstances to perform or to continue performing labor or services in order to avoid incurring that harm.

(d) Whoever violates this section shall be fined under this title, imprisoned not more than 20 years, or both. If death results from a violation of this section, or if the violation includes kidnaping, an attempt to kidnap, aggravated sexual abuse, or an attempt to kill, the defendant shall be fined under this title, imprisoned for any term of years or life, or both.

CERTIFICATE OF SERVICE

I hereby certify that on 14 May 2021 I filed the foregoing with the Division II Washington State Appeals Clerk of the court and served the following attorneys by placing in the US Mail

Pro Se
14 May 2021
@ Camas, Wa

Attorneys for Defendant

Bob Steringer
Harrang Long Gary Rudnick
1050 SW Sixth Ave suite 1600 Portland, Ore 97204

Attorney for Plaintiff

Lowell McKelvey
3635 SW Hood Ave
Portland, Or 97239

Bradley Anderson
Landerholm,PS
805 Broadway st ste 1000
PO Box 1086
Vancouver , Washington

I DECLARE UNDER PENALTY OF PERJURY AND THE LAWS OF THE STATE OF WASHINGTON THAT THE FOREGOING IS TRUE

AND CORRECT TO THE BEST OF MY KNOWLEDGE,

INFORMATION, AND BELIEF.

DATED at Camas, Washington, this 14th day of May, 2021.

Pro Se